

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

TCF NATIONAL BANK,)	
)	Civ. No. 10-4149
Plaintiff,)	
)	MOTION FOR PERMISSION
v.)	TO FILE AMICUS BRIEF IN
)	SUPPORT OF PLAINTIFF BY
BEN S. BERNANKE; JANET L. YELLEN;)	ECONOMISTS AND ECONOMICS
KEVIN M. WARSH; ELIZABETH A. DUKE;)	SCHOLARS
DANIEL K. TARULLO; and SARAH BLOOM)	
RASKIN, the Board of Governors of the Federal)	
System, in their official capacities; and JOHN)	
WALSH, Comptroller of the Currency, in his)	
official capacity,)	
)	
Defendants.)	
)	

COME NOW a group of amici curiae headed by Todd J. Zywicki, and hereby respectfully move pursuant to Federal Rule of Civil Procedure 7(b)(1) and Local Rule 7.2 for permission to file an amicus brief in support of the plaintiff in this above-entitled action. This Court has issued a scheduling order providing that motions to file amicus briefs may be filed on or before March 4, 2011, with or without a copy of the proposed brief, and that the deadline for filing briefs is March 11, 2011. (Doc. 45, 47).

In support of this motion, the proposed amici curiae state as follows:

1. The proposed amici curiae are a group of economists and law and economics scholars who teach, conduct research, and publish on issues of consumer protection and consumer payment cards. The lead amicus of the group is Todd J. Zywicki. Professor Zywicki is the George Mason University Foundation Professor of Law and Editor of the Supreme Court Economic Review. Amici have no financial interest in any party to the case or in the outcome of the case.

2. The proposed amici curiae seek to submit a brief in support of plaintiff TCF National Bank's challenge to the "Durbin Amendment," Section 1075 of the Dodd-Frank Wall Street Reform and Consumer Financial Protection Act of 2010 (the "Dodd-Frank Act"), Public Law 111-203. They seek to submit this brief because of the extreme public importance of this case to consumers, the banking system, and innovation in the payment card industry.

3. Counsel for the proposed amici curiae have contacted counsel for the plaintiff and counsel for the defendants in this action. Each has authorized the proposed amici curiae to report to the Court that they have no objection to the filing of an amicus brief by the proposed amici curiae.

Dated this 2nd day of March, 2011.

JOHNSON, HEIDPRIEM & ABDALLAH LLP

BY /s/ Ronald A. Parsons, Jr.

Ronald A. Parsons, Jr.
P.O. Box 2348
Sioux Falls, SD 57101-2348
(605) 338-4304
ron@jhalawfirm.com

Todd J. Zywicki*
GMU Foundation Professor of Law
Editor, Supreme Court Economic Review
George Mason University School of Law
3301 Fairfax Dr.
Arlington, VA 22201
(703) 993-9484
Email: tzywick2@gmu.edu

* *Pro hac vice* motion pending

CERTIFICATION OF SERVICE

I hereby certify that on March 2, 2011, I caused the foregoing **Motion for Permission to File Amicus Brief in Support of Plaintiff by Economists and Economics Scholars** to be served on all parties by sending a copy via electronic mail to the following:

Mark V. Meierhenry:	mark@meierhenrylaw.com
Clint L. Sargent:	clint@meierhenrylaw.com
William E. Blewett:	bill@meierhenrylaw.com
Richard Allen Epstein:	repstein@uchicago.edu
Timothy D. Kelly:	tkelly@kellyhannahlaw.com
Sarah E. Bushnell:	sbushnell@kellyhannahlaw.com
Bradley H. Cohen:	bradley.cohen@usdoj.gov
Nathan Michael Swinton:	Nathan.M.Swinton@usdoj.gov
Diana J. Ryan:	diana.ryan@usdoj.gov

Dated: March 2, 2011

/s/ Ronald A. Parsons, Jr.
Ronald A. Parsons, Jr.